

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA

VS.

CAUSE NO.: 4:15-CR-50

MICHAEL ALLEN TARVER

RESPONSE TO MOTION FOR ISSUANCE OF SUBPOENA DUCES TECUM

COMES NOW, Boyle-Skene Water Association, by and through Counsel and files its response to the Motion for Issuance of Subpoena Duces Tecum and in response thereof would state as follows:

I

Defendant's motion requests all documents generated by Boyle-Skene from 2012 to present and is seeking access to backup tapes which may be in the possession of ProTech, Boyle-Skene's I.T. provider.

II

This Court has previously ruled adversely to Defendant on this request and no new credible, material information has been presented which would support the production of this information.

III

Defendant's request is not limited in scope, is overly broad in time and requests information that is neither relevant nor anticipated to lead to discoverable information.

IV

Defendant's request is not limited in scope, is overly broad in time and requests information which may have been obtained in anticipation of litigation, constitutes attorney work product and or is protected by the attorney-client privilege.

V

Defendant's request is prohibited by Rule 17(c)(2) and Rule 17(c)(3), Federal Rules of Criminal Procedure as it requests confidential information about the Victim, Boyle-Skene.

VI

Defendant has previously issued Subpoenas to Boyle-Skene for the production of similar documentation. In response to that Subpoena, Boyle-Skene filed a motion to quash.

VII

Defendant's current motion is nothing more than an attempt to circumvent the Rules of this Court and obtain confidential information from a third party provider which cannot be obtained from Boyle-Skene.

VIII

Boyle Skene and Michael Tarver are currently involve in civil litigation in Cause Number 2015-0004 Michael Tarver vs. Boyle-Skene Water Corporation et. al. In the Circuit Court of Bolivar County Mississippi, Second Judicial District. This Motion requests financial information which was requested and objected to in that civil litigation. Said subpoena is nothing more than an attempt to use this Criminal Matter to circumvent the Rules of Civil Procedure and obtain information to which he is not entitled in the Civil Matter.

WHEREFORE PREMISE CONSIDERED, Boyle-Skene respectfully requests this Court to deny Defendant's motion.

Respectfully submitted, this the 7th day of December, 2016.

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CERTIFICATE OF SERVICE

I, S. David Norquist, attorney for the Plaintiffs, do hereby certify that I have this date electronic filed through ECF and/or U. S. Mail, postage prepaid a true and correct copy of the above and foregoing Notice of Service to Cynthia A. Stewart, attorney for the Defendant, at her usual mailing address of 118 Homestead Drive, Madison, MS 39110 and to Robert Mims, attorney for the United States of America, at his usual mailing address of 900 Jefferson Avenue, Oxford, MS 38655.

THIS, the 7th day of January, 2016

s/David Norquist
S. DAVID NORQUIST